UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ROBERTS, SHAUN A

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The time period for reply, if any, is set in the attached communication.

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ILYA VEKSLER, AMBUJ KUMAR,
and NAVEEN REDDY KORUPOL

Appeal 2016-007936
Application 14/667,134[1]
Technology Center 2600

Before ROBERT E. NAPPI, SCOTT B. HOWARD, and JOYCE CRAIG,
Administrative Patent Judges.

HOWARD, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection
of claims 1–20, which constitute all of the claims pending in this application.
We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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[1] Appellants identify Panasonic Automotive Systems Company of America,
Division of Panasonic Corporation of North America, as the real party in
interest. App. Br. 3.

THE INVENTION

The disclosed and claimed invention is directed to the training of a voice recognition system. Spec. ¶ 2.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1.   A method of operating a speech recognition system, comprising the steps of:
>
> converting a spoken utterance by a user into an electrical voice signal by use of a local microphone associated with a local electronic device;
>
> transmitting the electrical voice signal to a remote voice recognizer;
>
> using the remote voice recognizer to transcribe the electrical voice signal and to produce a confidence score, the confidence score indicating a level of confidence that the transcription of the electrical voice signal substantially matches the words of the spoken utterance;
>
> transmitting the transcription of the electrical voice signal and the confidence score from the remote voice recognizer to the local electronic device; and
>
> using the electrical voice signal, the transcription of the electrical voice signal and the confidence score at the local electronic device to train a local voice recognizer.

REFERENCE

The prior art relied upon by the Examiner as evidence in rejecting the claims on appeal is:

Talwar   US 2012/0245934 A1   Sept. 27, 2012

REJECTION

Claims 1–20 stand rejected under 35 U.S.C. §102(a)(1) as being anticipated by Talwar. Final Act. 2–4.

ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' arguments that the Examiner erred. In reaching this decision, we have considered all evidence presented and all arguments made by Appellants. We are persuaded by Appellants' arguments that, on the record before us, the Examiner erred.

Appellants argue the Examiner erred in finding Talwar discloses "using the electrical voice signal, the transcription of the electrical voice signal and the confidence score at the local electronic device to train a local voice recognizer," as recited in claim 1. App. Br. 12–13; Reply Br. 5–6. Specifically, Appellants contend confidence scores are not used at a client device to train a voice recognition system:

> Transcriptions and confidence scores are not used at a client device in Talwar to train a voice recognizer. Rather, as disclosed in [0101] of Talwar, models 427, 429 are sent from the server to the client device to merely update models 407, 409. That is, no training occurs at the client device, and certainly no training using transcriptions and confidence values occurs at the client device.

App. Br. 13; *see also* Reply Br. 6.

The Examiner finds Talwar discloses "communicating models from the server to the client device to update the models stored on the client device - where the reference teaches distributed recognition/transcription, and updating the local device," and maps that to the using limitation recited in claim 1. Final Act. 9 (citing Talwar ¶ 101). The Examiner further finds "[t]he confidence is incorporated in the training as the thresholds are needed to obtain the best/most likely results for proper training (where for training, a

most likely result must first be obtained, which is usually performed using thresholds or confirmation, where Talwar teaches both)." *Id.* at 4.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Moreover, the reference must also "disclose[] within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim." *Net MoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). However, "the reference need not satisfy an *ipsissimis verbis* test." *In re Gleave*, 560 F.3d 1331, 1334 (Fed. Cir. 2009) (internal quotation marks omitted). Moreover, "it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 401 F.2d 825, 826 (CCPA 1968); *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (holding that prior art references must be "considered together with the knowledge of one of ordinary skill in the pertinent art").

We are persuaded by Appellants' argument that the Examiner erred in finding Talwar discloses "using the electrical voice signal, the transcription of the electrical voice signal and the confidence score at the local electronic device to train a local voice recognizer." The Examiner identifies Talwar Paragraph 101 as disclosing training a voice recognizer. Final Act. 9; Ans. 5. However, as shown in Figure 4, that training (step 430) takes place at the server and not the local electronic device. Talwar Fig. 4.

Additionally, the Examiner finds, the confidence value "is sent and used to train the local models to further improve recognition at the local device." Ans. 6; *see also* Final Act. 4. However, the Examiner does not provide a citation supporting that finding and a rejection "may not resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis." *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967).

Because we agree with at least one of the dispositive arguments advanced by Appellants, we need not reach the merits of Appellants' other arguments.

Accordingly, we are constrained on this record to reverse the Examiner's rejection of claim 1, along with the rejections of claims 8 and 15, which recite limitations commensurate in scope to the disputed limitations discussed above, and dependent claims 2–7, 9–14, and 16–20.

DECISION

For the above reasons, we reverse the Examiner's decisions rejecting claims 1–20.

<u>REVERSED</u>